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CENTRAL EXAMINER

DEC 27 2004

FACSIMILE COVER SHEETDeliver to: Nadeem Iqbal, USPTOArt Group: 2114Facsimile No.: 703-872-9306Date: December 27, 2004From: William W. Schaal, Reg. No. 39,018Our Docket No.: 42390P11901Number of pages 13, including this sheet.Application No.: 10/038,323Filing Date: 1/2/2002Docket Due Date(s): 12/30/2004

Enclosed are the following documents:

| | |
|---|---|
| <input checked="" type="checkbox"/> Amendment: <u>Response</u> (<u>9</u> pgs) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Appeal Brief (in triplicate) (<u> </u> pgs) | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Application: <u> </u> (<u> </u> pgs) w/cover & abstract | <input type="checkbox"/> Petition for: <u> </u> |
| <input type="checkbox"/> Assignment & Cover Sheet (<u> </u> pgs) | <input type="checkbox"/> Request for Continued Examination (RCE) |
| <input checked="" type="checkbox"/> Certificate of Facsimile | <input type="checkbox"/> Reply Brief (<u> </u> pgs) |
| <input type="checkbox"/> Continued Prosecution Application (CPA) | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i) |
| <input type="checkbox"/> Declaration & POA (<u> </u> pgs) | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request |
| <input type="checkbox"/> Drawings: <u> </u> sheets, <u> </u> figures | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Extension of Time: <u> </u> | <input type="checkbox"/> Response to Written Opinion (<u> </u> pgs) |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) | <input type="checkbox"/> Terminal Disclaimer |
| <input type="checkbox"/> IDS & PTO/SB/08 (<u> </u> pgs) | <input type="checkbox"/> Transmittal of Publication Fee Due |
| <input type="checkbox"/> Other: <u> </u> | <input checked="" type="checkbox"/> Transmittal Letter |

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.84)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.



Susan McFarlane
Date

12/27/2004

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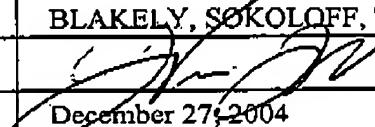
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DEC 27 2004

| | | | |
|--|----|------------------------|------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | | Application No. | 10/038,323 |
| | | Filing Date | January 2, 2002 |
| | | First Named Inventor | Bryant E. Bigbee |
| | | Art Unit | 2114 |
| | | Examiner Name | Nadccem Iqbal |
| Total Number of Pages in This Submission | 12 | Attorney Docket Number | 42390P11901 |

| ENCLOSURES (check all that apply) | | | |
|--|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | |
| <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 40px; width: 100%;"></div> | | | |
| Remarks | | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | William W. Schaal, Reg. No. 39,018 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP |
| Signature |  |
| Date | December 27, 2004 |

| CERTIFICATE OF MAILING/TRANSMISSION | | | |
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| I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office. | | | |
| Typed or printed name | Susan McFarlane | | |
| Signature |  | Date | December 27, 2004 |

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (44) 08/04/2004
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

| Complete If Known | |
|----------------------|------------------|
| Application Number | 10/038,323 |
| Filing Date | January 2, 2002 |
| First Named Inventor | Bryant E. Bigbee |
| Examiner Name | Nadeem Iqbal |
| Art Unit | 2114 |
| Attorney Docket No. | 42390P11901 |

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order None Other (please identify): _____ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayment of fee(s) Credit any overpayments
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

1. EXTRA CLAIM FEES

| Total Claims | 24 | 30* | * | 0 | X | Extra Claims | = | \$0.00 |
|--------------------|----|-----|---|---|---|--------------|---|--------|
| Independent Claims | 4 | 4* | * | 0 | X | | = | \$0.00 |
| Multiple Dependent | | | | | | | | |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|---|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 2202 | | | Claims in excess of 20 |
| 1201 | 2201 | | | Independent claims in excess of 3 |
| 1203 | 2203 | | | Multiple Dependent claim, if not paid |
| 1204 | 2204 | | | *Reissue independent claims over original patent |
| 1205 | 2205 | | | **Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (1) | | (\$) | | \$0.00 |

*or number previously paid, if greater. For Reissues, see below

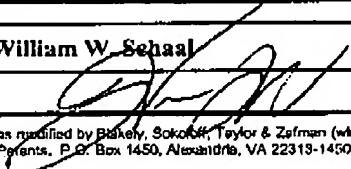
2. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|---------------------|----------|----------|----------|--|----------|
| 1051 | 2051 | | | Surcharge - late filing fee or oath | |
| 1052 | 2052 | | | Surcharge - late provisional filing fee or cover sheet | |
| 2053 | 2053 | | | Non-English specification | |
| 1251 | 2251 | | | Extension for reply within first month | |
| 1252 | 2252 | | | Extension for reply within second month | |
| 1253 | 2253 | | | Extension for reply within third month | |
| 1254 | 2254 | | | Extension for reply within fourth month | |
| 1255 | 2255 | | | Extension for reply within fifth month | |
| 1401 | 2401 | | | Notice of Appeal | |
| 1402 | 2402 | | | Filing a brief in support of an appeal | |
| 1403 | 2403 | | | Request for oral hearing | |
| 1451 | 1,510 | 2451 | 1,510 | Petition to Institute a public use proceeding | |
| 1460 | 2460 | | | Petitions to the Commissioner | |
| 1007 | 1807 | | | Processing fee under 37 CFR 1.17(n) | |
| 1008 | 1808 | | | Submission of Information Disclosure Stmt | |
| 1009 | 1809 | | | Filing a submission after final rejection (37 CFR § 1.120(a)) | |
| 1810 | 2810 | | | For each additional invention to be examined (37 CFR § 1.120(b)) | |
| Other fee (specify) | | (\$) | | | |
| SUBTOTAL (2) | | (\$) | | | |

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|---|--------------------------------------|--------|-----------|----------------|
| Name (Print/Type) | William W. Schaal | Registration No. (Attorney/Agent) | 39,018 | Telephone | (714) 557-3800 |
| Signature |  | | | Date | 12/27/04 |

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (ver) 12/15/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

0.00

Complete if Known

| | |
|----------------------|------------------|
| Application Number | 10/038,323 |
| Filing Date | January 2, 2002 |
| First Named Inventor | Bryant E. Bigbee |
| Examiner Name | Nadeem Iqbal |
| Art Unit | 2114 |
| Attorney Docket No. | 42390P11901 |

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order None Other (please identify): _____ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayment of fee(s) Credit any overpayments
 under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

1. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|-----------------|-------------------|----------|
| Total Claims | 24 | 30* | 0 |
| Independent Claims | 4 | 4* | 0 |
| Multiple Dependent | | | |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 2202 | | | Claims in excess of 20 |
| 1201 | 2201 | | | Independent claims in excess of 3 |
| 1203 | 2203 | | | Multiple Dependent claim, if not paid |
| 1204 | 2204 | | | "Reissue independent claims over original patent |
| 1205 | 2205 | | | "Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (1) | | (\$) | | 0.00 |

*or number previously paid, if greater. For Reissues, see below

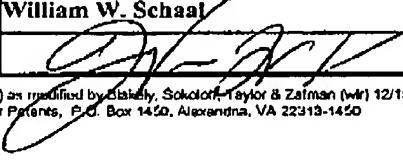
2. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|---------------------|----------|--------------|----------|---|----------|
| 1051 | 2081 | | | Surcharge - late filing fee or oath | |
| 1052 | 2052 | | | Surcharge - late provisional filing fee or cover sheet | |
| 2053 | 2053 | | | Non-English specification | |
| 1251 | 2251 | | | Extension for reply within first month | |
| 1252 | 2252 | | | Extension for reply within second month | |
| 1253 | 2253 | | | Extension for reply within third month | |
| 1254 | 2254 | | | Extension for reply within fourth month | |
| 1255 | 2255 | | | Extension for reply within fifth month | |
| 1401 | 2401 | | | Notice of Appeal | |
| 1402 | 2402 | | | Filing a brief in support of an appeal | |
| 1403 | 2403 | | | Request for oral hearing | |
| 1451 | 2451 | 1,510 | 1,510 | Petition to institute a public use proceeding | |
| 1480 | 2480 | | | Petitions to the Commissioner | |
| 1807 | 1807 | | | Processing fee under 37 CFR 1.17(q) | |
| 1808 | 1808 | | | Submission of Information Disclosure Stmt | |
| 1809 | 1809 | | | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 2810 | | | Filing a submission after final rejection (37 CFR § 1.129(b)) | |
| Other fee (specify) | | SUBTOTAL (2) | | (\$) | |

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|---|--------------------------------------|--------|-----------|----------------|
| Name (Print/Type) | William W. Schaal | Registration No. (Attorney/Agent) | 39,018 | Telephone | (714) 557-3800 |
| Signature |  | | | Date | 12/27/04 |

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 12/15/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Appl. No. 10/038,323
Amtd. Dated 12/27/2004
Reply to Office Action of September 30, 2004

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DEC 27 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|------------------|---|------------------|-----------------------|
| Application. No. | : | 10/038,323 | Confirmation No. 7314 |
| Applicant | : | Bryant E. Bigbee | |
| Filed | : | 01/02/2002 | |
| TC/A.U. | : | 2114 | |
| Examiner | : | Nadeem Iqbal | |
| Docket No. | : | 42P11901 | |
| Customer No. | : | 8791 | |

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

AMENDMENT

Sir:

In response to the Office action of September 30, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.